

Reply Exhibit C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SUSANNA MIRKIN AND BORIS MIRKIN,
Individually and on Behalf of All Others
Similarly Situated,

Case No: 18 Civ. 2949 (ARR) (RER)

Plaintiffs,

v.

XOOM ENERGY, LLC, and XOOM
ENERGY NEW YORK, LLC,

Defendants.

**PLAINTIFFS' THIRD SET OF REQUESTS FOR THE PRODUCTION
OF DOCUMENTS TO DEFENDANTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Plaintiffs Susanna and Boris Mirkin ("Plaintiffs") hereby request that XOOM Energy, LLC and XOOM Energy New York, LLC ("XOOM" or "Defendants") produce the following documents and things within thirty (30) days from the date of service of this Plaintiffs' Third Set of Requests for the Production of Documents at the offices of Wittels McInturff Palikovic, 18 Half Mile Road, Armonk, New York, 10504.

Plaintiffs incorporate herein the definitions and instructions and production specifications included in their September 4, 2019 First Requests for the Production of Documents on All Defendants. Defendants' productions and responses to these requests must comply with the ESI Order entered by the Court on March 6, 2020 (ECF No. 53).

REQUESTS FOR PRODUCTION

124. All transcriptions, recordings, minutes, or notes taken at XOOM's rate-setting meetings pertaining to XOOM's New York customers.

125. Exemplar XOOM New York contracts reflecting "the next revised agreement" after February 11, 2016 as referenced in Defendants' September 30, 2020 answer to Interrogatory No. 23.

126. All documents concerning the WABC-TV / 7 On Your Side inquiry that Defendants initially received in or around April 2014. *See, e.g.*, XOOM_MIRKIN_013564-77.

127. All documents evidencing that the contract language "Your monthly variable rate is based on XOOM's actual and estimated supply costs which may include but not be limited to prior period adjustments, inventory and balancing costs" was distributed to XOOM New York customers after February 11, 2016. For an example, please see XOOM_MIRKIN_008739-46.

Dated: November 8, 2021
Armonk, New York

By: /s/ Steven D. Cohen
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by email upon the counsel of record for Defendants, this 8th day of November, 2021.

/s/ Steven D. Cohen
Steven D. Cohen